

Here's EPA's reply on a petition from an Oregon environmental advocacy group that requested EPA for further label restrictions on herbicides for use within five miles of a "vulnerable area".

You requested that EPA require label restrictions on herbicides and adjuvants that are utilized within five miles of a "vulnerable area." We understand your concerns and the need to feel protected from risks posed by pesticide exposure. EPA has a number of processes in place that directly address these types of concerns.

First: EPA conducts an extensive review of each and every pesticide (including herbicides) prior to determining if it should be registered and what uses are allowed. The EPA bases its determination on an assessment of risks that includes scrutiny of product ingredients; the site or crop on which it is to be used; the amount, frequency and timing of its use; and storage and disposal practices. Directions for use and precautionary statements on the product label must be written in such a way that, when adhered to, allow the pesticide to be used without posing unreasonable adverse effects on humans and the environment, including non-target species.

Second: EPA currently is in the midst of a periodic re-evaluation of all registered pesticide active ingredients, mandated by FIFRA section 3(g) to occur in 15-year cycles (now in the first cycle). This periodic re-evaluation, or "registration review," is intended to keep pace with scientific developments and evolving EPA policy on pesticides. Registration review culminates with a decision about whether or not the pesticide under review continues to meet statutory standards, and if not, how the risks associated with the use can be mitigated.

Registration review is conducted on a case-by-case basis so that EPA's decisions can be based on the risks associated with individual pesticides. In general, the Agency does not believe that across-the-board (as opposed to case-by-case) actions, such as uniform-sized buffers around areas treated with pesticides, are effective or scientifically defensible.¹ EPA recently published for public comment a draft method for assessing the risks associated with pesticide drift,² and is currently using that method in registration review. From now forward, every pesticide re-evaluation will include an assessment of the risks posed by pesticide drift to bystanders—people who live, work, go to school, or play in close proximity to areas where the subject pesticide is applied. If mitigation is necessary, implementing buffers around areas where pesticides are sprayed is one means of reducing the potential of bystanders to be exposed to pesticide drift. Other approaches may include reductions in application rates or prohibitions on aerial application.

The registration review schedule, and information on the results of past reviews can be found on Office of Pesticide Program's website.³

EPA recognizes that weather and topographic factors unique to your part of Oregon and elsewhere may not be addressed specifically in our risk assessments. EPA uses "worst-case scenarios" and other conservative assumptions in its risk assessments to ensure that the results of the assessments are protective of a wide variety of conditions. Equally important,

EPA reviews and considers incident reports from communities like Gold Beach and Cedar Valley where people may have been affected by pesticide drift to determine if further regulatory action is necessary. The Office of Pesticide Programs has been paying serious attention to these incidents and encourages people to report specific occurrences of drift or other pesticide exposures to them, their families, their pets, livestock, gardens, and farms, wildlife, or natural resources to state and local authorities and to the National Pesticide Information Center⁴ so they can be reviewed and considered (e.g., during registration review).

1. The Agency recently replied to a petition from a number of farmworker and environmental advocacy organizations that asked among other things, that the Agency require specific buffers around areas treated with a particular set of pesticides. The Agency's response to that petition expands on the buffer discussion. The petition and the response can be found at <http://www.regulations.gov#!docketDetail:D=EPA-HQ-OPP-2009-0825>.

2. <http://www.regulations.gov#!docketDetail:D=EPA-HQ-OPP-2013-0676>
http://www.epa.gov/oppsrrd1/registration_review/schedule.htm

3. <http://iaspub.epa.gov/apex/pesticides/f?p=CHEMICALSEARCH:1:0::NO:1>

⁴ <http://npic.orst.edu/>; telephone (800) 858-7378